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LEGAL SPECIALIZATION—WHY THE OBJECTIONS?

In recognition of the public need and demand for expert legal service, many of the profession's most able attorneys¹ have turned to specialization. Nevertheless, the profession as a whole has failed to recognize this need in most areas of law and has failed to act in other areas where the public needs and demands have been more apparent. More significant, nothing has been done to control the haphazard growth of legal specialization. Because of the reluctance on the part of the profession as a whole and many bar associations to accept facts as they presently exist,² crying needs are being ignored, enormous strides in professional development are being denied, and the unethical practices which are used to decry legal specialization are, by its suppressions, being engendered.

Essentially, legal specialization is the concentration of effort by an individual in one primary field or activity of law for the purpose of developing his skill and proficiency in that field or activity to the highest possible degree.³ Legal specialization per se is not objectionable.⁴ The objections to legal specialization are directed at its collateral effects. These collateral effects, it is submitted, are the result of the American Bar's failure to control and guide legal specialization.

The dilemma is basically this. Should a practice which is essentially sound, socially necessary and professionally inevitable be restricted because of its misapplication? Or should that practice be encouraged while an effort is directed at its proper application and the restriction of its objectionable by-products? The answer should be obvious. Certainly, no one would suggest that we discontinue the practice of law if it should give rise to substantial abuse. Probably, closer control or additional guidance would be suggested to remedy the situation. Nevertheless, in spite of the

1. "The rise of big business has produced an inevitable specialization of the Bar Steadily the best skill and capacity of the profession has been drawn into the exacting and highly specialized service of business and finance." Harlan F. Stone, *The Public Influence of the Bar*, 48 HARV. L. REV. 1 (1934).

2. *Ibid* ". . . changes have come upon us by imperceptible stages and are still almost unrecognized."

3. Cf., FUNK AND WAGNALL, NEW "STANDARD" DICTIONARY OF THE ENGLISH LANGUAGE (rev. ed. 1952) Specialization is defined as:

. . . the act or process of specialization; particular determination or limitation;

. . . the state of being or becoming specialized. . . .

Specialty is:

. . . an employment, profession or otherwise limited to one particular line of work; a study to which one is specially devoted. . . .

4. ". . . specialization has had value. It still has value. Without some such mobilization of the best brains to the task, it is hard to see how an ancient law, rooted in landed property, received and developed in a pioneer agricultural regime, could have withstood the strain of adjustment first to a commercial, then to an industrial, finally to an investment credit economy." K. N. Llewellyn, *The Bar Specializes with what Results?* 39 COM. L. J. 336 (1934).

similarity of the analogy, the promotion, control and guidance of legal specialization have met with stubborn resistance.

It is the purpose of this comment, after setting forth a short synopsis of the recent developments in legal specialization, to point out the weaknesses implicit in each of the objections leveled against the promotion, control and guidance of specialized legal service.

Recent Developments in Specialized Legal Service

In 1954 the American Bar Association adopted a resolution stating that it:

. . . approves in principle the necessity to regulate voluntary specialization in the various fields of the practice of the law for the protection of the public and the bar. . . .⁵

It is evident from this resolution that the Bar is aware of (1) the growing practice of specialization; (2) the need for its regulation; (3) the undesirable practices resulting from its uncontrolled growth; and (4) the benefit to be realized by the public and bar through its control and regulation.

Soon after the adoption of the foregoing resolution the A. B. A. appointed a special committee, known as the Committee on Specialization and Specialized Legal Education, to make detailed recommendations as to the action required on the part of the A.B.A. to implement, organize and finance a plan to carry out the principles set forth in the resolution. The committee responded with a comprehensive plan.⁶ Essentially the proposals set forth in the committee's plan provided for the creation of a Council of Legal Specialists. This Council was to consist of nine members of the American Bar Association, function under the auspices of the A.B.A. and be responsible to the profession and public as a whole. The purpose of the Council was to make the investigation necessary to determine which fields of specialized practice should be approved and which specialty societies should be recognized in approved fields. It would then establish general standards applicable to all recognized societies. It was anticipated that after the proposed Council completed its investigation, specialty societies would

5. Taken from a resolution of the Board of Governors adopted by the House of Delegates in lieu of the recommendations of the Committee on Specialization and Specialized Legal Education. 79 A.B.A. REP. 450 (1954) The resolution *in toto* provided:

(1) That the American Bar Association approves in principle the necessity to regulate voluntary specialization in the various fields of the practice of law for the protection of the public and the bar, and

(2) That the American Bar Association approves the principle that in order to entitle a lawyer to recognition as a specialist in a particular field he should meet certain standards of experience and education, and

(3) That the implementation, organization, and financing of a plan of regulation to carry out such principles is delegated to the Board of Governors, subject to final approval by the House of Delegates.

6. The proposals as recommended by the committee were published in 79 A.B.A. REP. 403 (1954).

be authorized in each specialty field which had been approved. Further, after a field of law was approved by the Council for the creation of such society, the lawyers and the existing organizations in that field would form a specialty society in accordance with the general standards of the Council. Such societies would be required to establish and maintain their own minimum standards for membership and practice. Emphasis would be placed upon specialized legal education.

The recommendations of the Committee on Specialization and Specialized Legal Education were not submitted to the House of Delegates for adoption. The Board of Governors rejected the proposals and dismissed the Committee.⁷ It is submitted, that these recommendations, had they been adopted, would have constituted a professional contribution of inestimable value to the public and the bar.

Why The Objections?

There are many benefits to be derived by both the public and the profession through controlled legal specialization.⁸ Its proper cultivation would yield a more learned and proficient crop of attorneys. This would result in the satisfaction of a great public need. The requirements of high educational standards for membership in specialty societies would give rise to the advancement of specialty education in both undergraduate and graduate law school programs.⁹ The unethical practices stemming from the uncontrolled and unguided growth of specialized legal service would be substantially reduced and in some cases extinguished. Other benefits implicit in the explanation to the objections to legal specialization would be realized through its control and guidance.

With the many merits of legal specialization so obvious, why have the proposals for its promotion and control met with such resistance? Apparently it is a result of the unquestioning subscription of the majority to the arguments raised against legal specialization. These arguments, although basically unsound, have gained strength through the confusion and abuses stemming from the unwieldy development of specialized legal service. Many practices traditionally considered unethical (such as advertising and solicitation) have been connected with this development. Other misconceptions, such as specialization leading to the unauthorized practice of law, causing the extinction of the general practitioner and the division of the bar into

7. Numerous requests were made by many interested groups for a hearing on the proposed recommendations. The hearing was granted by the Board of Governors (Chicago, Ill., Oct. 14, 1954) and resulted in the rejection of the proposals and the dismissal of the committee. The reasons for Board's action have not been published.

8. C. W. Joiner, *Specialization in the Law? The Medical Profession Shows the Way*, 39 A.B.A.J. 539 (1953); Report of the Committee on Specialization and Specialized Legal Education, 79 A.B.A. REP. 450 (1954); See also, C. W. Joiner, *Specialization in the Law: Control it or it will Destroy the Profession*, 41 A.B.A.J. 1105 (1955).

9. George G. Coughlin, *Law School Curricular—A Proposal*, 24 N. Y. STATE BAR. BULL. 303 (1952).

many self-interested factions, have generated much of the adverse feeling toward specialization and its control. These misconceptions and ill-advised verbal associations which give rise to the resistance offered against legal specialization can be disposed of by showing their disconnection with specialization or their diminution or extinction through its proper control.

Ill-Advised Verbal Associations and Misconceptions

Advertising and Solicitation—In an effort to maintain professional dignity and to preserve its status above the trades of the common market place, the legal profession has traditionally been opposed to advertising¹⁰ and solicitation.¹¹ In 1908 the American Bar Association voiced its denunciation of these practices through the enactment of Canon 27 of the Canons of Professional Ethics.¹² Many cases have upheld this canon¹³ and a considerable number of the various bar associations' opinions have been devoted to its support.¹⁴

This tradition has much to be said for it. However, as in the case of most traditions, a rigid adherence to the dictates of its restrictions is capable of working hardships and impeding professional progress. From a practical point of view it is extremely difficult for an attorney to set up a specialized practice. Since he is not permitted to hold himself out to the public as a specialist, he must rely upon referrals and upon the occasional client who by chance selects him to handle a problem involving his specialty. He is forced to turn away the general client. Few lawyers can afford to specialize under these circumstances.

Nevertheless, some attorneys have circumvented the restrictions upon soliciting and advertising in an effort to specialize. They have been reprimanded.

10. Professional advertising, although always frowned upon to a greater or lesser extent, became particularly obnoxious after the case of *People v MacCabe*, 18 Colo. 186, 32 Pac. 280 (1893) where it was said "The ethics of the legal profession forbid that an attorney should advertise his talents or his skill, as a shopkeeper advertises his wares."

11. The denunciation of solicitation apparently resulted from the prohibition of barratry (stirring up quarrels and suits), maintenance (officious interference in a suit) and champerty (undertaking litigation at attorneys' own expense and risk, in consideration of receiving, if successful, a part of the proceeds recovered.)

12. "It is unprofessional to solicit professional employment by circulars, advertisements, through touters or by personal communications or interviews not warranted by personal relations. Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-laudation, offend the traditions and lower the tone of our profession and are reprehensible; . . ." A.B.A. CANONS OF PROFESSIONAL ETHICS No. 27 (as amended, Sept. 30, 1937, Sept. 11, 1940, Aug. 27, 1942, Aug. 26, 1943 and Sept. 19, 1951.) *Librarian v. State Bar of Calif.*, 21 Cal. 2d 862, 136 P.2d 321 (1943) (Solicitation of professional business by advertising); *Johnson v. State Bar of Calif.*, 3 Cal. 2d 744, 52 P.2d 928 (1936).

13. *Louisville Bar Assoc. v. Mayin*, 282 Ky. 743, 139 S.W. 2d 771 (1940); *In re Cohen*, 261 Mass. 484, 159 N.C. 495 (1928); *Oklahoma Bar Assoc. v. Hatcher*, 209 P.2d 873 (1950); *In re McBride*, 164 Ohio St. 419, 132 N.E. 2d 113 (1956).

14. E.g., some 90 opinions directly interpreting and deliniating Canon 27 have been published by the COMMITTEE ON PROFESSIONAL ETHICS AND GRIEVANCES OF THE A.B.A.

manded and in some cases disbarred.¹⁵ Much of the stigma generally connected with advertising and solicitation has, due to the notoriety of these cases, attached to the practice of legal specialization.

The weaknesses of this misconception (or "guilt by association," if you will) can easily be demonstrated. However, the root of the problem lies in whether or not the professional prohibitions against advertising and solicitation should be relaxed to permit an attorney to hold himself out to the public as a specialist.

At the outset we must remember that advertising and solicitation do exist today and in certain forms are condoned by the profession. The "shingle," office door legend and letterhead are forms of advertisement. A professional card handed to a neighbor coupled with words indicating a willingness to serve him is also a form of advertisement and solicitation. The purpose of the rule restricting advertising and soliciting is not transgressed through the allowance of an attorney to hold himself out as such to the public by these means. It is, therefore, difficult to see how this purpose would be violated by allowing him to hold himself out as a specialist in a particular area of law. Nevertheless, as soon as he adds to his "shingle," card or letterhead the words "*Tax Specialist*," "*Trial Lawyer*," or "*Negligence Attorney*" he is immediately charged with advertising or soliciting.¹⁶

The main argument against advertising and soliciting stems from the practice of some attorneys holding themselves out as specialists when actually they are little more qualified than the general practitioner. However, this argument would completely fall apart if specialization were controlled, proficiency groups or societies were organized, special qualifications were stipulated for membership and if the right to publicly indicate a specialty were strictly limited to the members of a society. The medical profession, which is just as opposed to advertising and soliciting as the legal profession, has had, through the development and control of specialty societies, considerable success in allowing the medical specialist to indicate to the public his specialty.¹⁷ There appears to be no reason why the legal profession could not enjoy the same success.

Because of the direct methods of advertising and soliciting mentioned and other more subtle methods¹⁸ which are everywhere taken for granted and because the public representation of a specialty is inherently unobjectionable and ultimately unavoidable, it is difficult to understand how advertising and soliciting could be used to disparage controlled specialization.

15. Cases cited note 13 *supra*.

16. ABA. opinion No. 251 (1943).

17. C. W. Joiner *Specialization in the Law? Medical Profession Shows the Way*, 39 A.B.A.J. 539 (1953).

18. Familiar activities which indirectly partake of the nature of solicitation and advertising would be those facilitated through social, religious, fraternal, political and family contacts.

Emphasis on Confusion, Violation of Ethics and Indirection—Canon 46— Perhaps the primary sources of the present difficulties with regard to legal specialization arose from the application (and at times the misapplication and inapplication) of the American Bar Associations' Canon 46.¹⁹ The adoption in 1933 of Canon 46, although a recognition by the A.B.A. of the growing need for specialization, fell short of the action needed under the circumstances. The application of this Canon illustrates the confusion and ineffectiveness implicit in most action by the organized bar short of complete control and guidance of specialized legal service. Canon 46 as originally adopted (and until its amendment February 21, 1956) provided:

46. NOTICE OF SPECIALIZED LEGAL SERVICE. Where a lawyer is engaged in rendering a specialized legal service directly and *only* to other lawyers, a brief, dignified notice of that fact, couched in language indicating that it is addressed to lawyers, inserted in legal periodicals and like publications, when it will afford convenient and beneficial information to lawyers desiring to obtain such service is not improper. (*Italics added*)

Two problems arose from the application of this canon which involved: *one*, the requirement that notice may be sent to other attorneys only if the sender renders the specified service "directly and *only* to other lawyers"; and *two*, the lack of definition in what would constitute a "specialized legal service." H. S. Drinker, chairman of the A.B.A. Committee on Professional Ethics and Grievances from 1944 to 1953, pointed out²⁰ that the first problem rendered Canon 46 totally ineffective. The New York City and New York County Bar Associations ignored Canon 46 for this reason and issued a joint statement providing that an attorney may send a notice to other attorneys "which includes a statement of intention to specialize."²¹ The Chicago and California Bar Associations shortly thereafter took similar action.

Finally, in 1956 after twenty-three years, the American Bar Association amended Canon 46 to its present form.²² A lawyer may now send notice to other attorneys announcing "his availability to serve" them in particular branches of the law without precluding him from serving lay-clients directly. This step came late, for the ineffectiveness of the original canon led to its

19. A.B.A. CANONS OF PROFESSIONAL ETHICS, No. 46.

20. H. S. Drinker, *Legal Specialists: Specialized Legal Service*, 41 A.B.A.J. 690, 691 (1955); See also, A.B.A. opinion No. 183 (1938).

21. OPINIONS ON PROFESSIONAL ETHICS, N. Y. City Committee op. 963; N. Y. County Committee op. 375 (1956).

22. "Notice to Local Lawyers—A lawyer available to act as an associate of other lawyers in a particular branch of the law or legal service may send to local lawyers only and publish in his local legal journal, a brief and dignified announcement of his availability to serve other lawyers in connection therewith. The announcement should be in a form which does not constitute a statement or representation of special experience or expertness." A.B.A. Canons of Professional Ethics, No. 46 (as amended Feb. 21, 1956).

disregard by many attorneys. Before long, such disregard drew the connection of legal specialization and unethical advertisement and solicitation closer and closer. This connection, it is submitted, is completely unjustified by present objective reality.

The second problem, that is, the lack of definition in what constitutes a specialized legal service, still remains. The application of Canon 46 was not limited to any specific group of specialty practices. On the other hand, it was not open to all areas of legal practice. Consequently, this Canon has given rise, although apparently unintentionally, to considerable confusion as to what areas of practice are specialty fields. Opinion 194 of the A.B.A.²³ provides that "whether or not a particular service . . . is a specialized legal service within the meaning of Canon 46 will ordinarily depend upon the extent to which such service is available from members of the bar in the community in which the lawyer is practicing." Implicit in this statement is the problem of what standards shall be used in deciding which particular service should be recognized as a specialty service in different communities.²⁴ Obviously, the standards are arbitrary. Furthermore, uniformity in the practice of specialization could not be achieved through the operation of this canon. As a result much confusion has resulted with regard to specialization in the application of Canon 46, and, consequently, with reference to the entire proposition of legal specialization. If the American Bar Association would create a council to investigate, set standards for, and regulate legal specialization, would not their guidance obviate all the confusion here engendered?

Misconceptions—Unauthorized Practice—Canon 47²⁵ of the American Bar Association prohibits lawyers from aiding the unauthorized practice of law. One of the greatest objections to legal specialization is that specialization contributes to the violation of Canon 47. This argument is entitled to analysis.

Long recognizing the public need for expert service in various fields interrelated with law (particularly realty, taxation and finance), many lay agencies organized and educated themselves for the call. As these organiza-

23. A.B.A. opinion No. 194 (1939).

24. The following practices have been held by the A.B.A. Ethics Committee not to be specialized legal services under Canon 46. These previously unpublished decisions are found listed in HARRY S. DRINKER, *LEGAL ETHICS* 295 (1953): A.B.A. Decision 231, "services to lawyers . . . incident to litigation"; A.B.A. Decision 232, "the law and practice of New Jersey"; A.B.A. Decision 233, "jury trials"; A.B.A. Decision 234, "arguing cases in the Supreme Court"; A.B.A. Decision 235, "consultant on Florida Law"; A.B.A. Decision 236, "conducting a legal research bureau for lawyers"; A.B.A. Decision 237, "bankruptcy and insolvent law and reorganization"; A.B.A. Decision 238, "tax matters, income tax matters, federal taxation, or taxes and estates."

25. "Aiding the Unauthorized Practice of Law—No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible, the unauthorized practice of law by any lay agency, personal or corporate." A.B.A. Canons of Professional Ethics No. 47 (adopted Sept. 30, 1937).

tions in response to the growing public need expanded in size and proficiency, their bailiwicks accordingly expanded. Areas of practice traditionally within the province of lawyers became subject to the encroachments of lay agencies. The profession became alarmed. However, the traditional restrictions upon attorneys, making it highly impractical for all but a few to specialize, rendered the profession wholly unqualified to cope with the situation. Not only were the competing lay agencies strides ahead of the legal profession and for the most part abreast of public demand, but they were in the enviable position of being able to boast their talents and readiness to serve through all forms of advertising media. By the time lawyers accepted the challenge, they found themselves working directly or indirectly for trust companies, security underwriters, real estate concerns, tax counselors and C.P.A.'s. Now the lawyer is playing on the second team or "warming the bench" in a game in which fifty years previously he was the whole team, including the coach and water-boy. Is it any wonder that the average income of the lawyer has increased at a slower rate than that of any other profession?²⁶ It is any wonder that lawyers are forced to associate in one way or another with lay agencies?

The misconception here lies not in what is in fact being done, but rather in what should be done to remedy the situation. If the legal profession would promote, encourage and insist upon legal specialization; if it would take control and give guidance to its haphazard growth; and if it would impose standardized qualifications necessitating specialized legal education, the rightful heritage of the profession would then be recovered. The phrase "unauthorized practice of law" and Canon 47²⁷ would then become unimportant symbols of antiquity.

Misconceptions—Premature Control of Specialization

Another familiar argument directed against the promotion and the control of specialization is that the profession is not ready to make the change nor is a change necessary at this time. Not too long ago a most eminent member of the profession, a specialist for twenty-five years for one of New York City's largest law firms,²⁸ voiced his objections to the promotion and control of legal specialization.²⁹ He pointed out that the large metropolitan firm "with twenty partners and thirty other lawyers in the office [could] develop specialists in quite narrow fields and yet render a well-rounded general service to its clients." It was then submitted that the legal profession was not "close to being ready for widespread specialization by solo practitioners

26. A. M. Cantrall, *Economic Inventory of the Legal Profession: Lawyers Can Take Lessons from Doctors*, 38 A.B.A.J. 196 (1952).

27. See note 26, *supra*.

28. Rodger B. Siddall, member of the Virgin Islands Bar (St. Thomas).

29. Rodger B. Siddall, *Specialization in the Law: A Retort to Professor Joiner's Call for Control*, 42 A.B.A.J. 625 (1956).

and small firms." This latter conclusion was based upon the premise that the ethical standards of our profession are of such a nature that one attorney has not only the prerogative but the duty to accept the employment of all comers regardless of who referred them or the purpose for which they were originally referred. Consequently, the lawyer's lawyer, it was then prognosticated, would never come into existence as has the doctor's doctor, for the simple reason that the referring attorney could never be certain that he would ever see his client again.

This all appears to be quite logical. But is it? Are the foregoing conclusions justified when viewed in respect to other important phases of the problem? For instance, who is the only remaining candidate qualified to handle the ever increasing number of specialty problems, in the absence of specialization on the part of individual practitioners and small firms? The answer, of course, is the large metropolitan law firm. Now assuming the validity of the aforementioned premises with regard to our ethical practices, what alternative does the general practitioner in the small firm have when faced with a highly complex specialty problem? He may send the client to the large city firm, a firm capable of handling general service as well as specialized service, and hope that the client will some day return. Or, on the other hand, practical considerations may motivate him to handle the case himself and consequently take the chance that his lack of experience in the specialized field involved will not prevent an efficient and satisfactory outcome. These alternatives do not give rise to a high degree of harmony within the profession or a high standard of service to the public.

However, suppose for a moment, that specialty societies are created and controlled; that their members are encouraged to practice individually or in small firms; that they are all qualified and certified; and, in addition, suppose that they are permitted to hold themselves out to the public and the profession as lawyers qualified and interested in *one area of law*. These circumstances would justify an entirely different result. The attorney trained and qualified in tax law would certainly be little interested in taking the time from his specialty practice to handle a divorce or negligence case. The general practitioner would, in this case, have little to fear in the way of client loss through specialist reference. The public would ultimately enjoy more expert and fruitful legal service.

Misconceptions—Miscellaneous

Other objections to specialization and its control and brief explanations of each are summarized as follows:

(1) Specialization will lead to the ultimate extinction of the general practitioner. This objection has little to support it.³⁰ The great bulk of

30. 79 A.B.A. REP. 584, 589; see also, C. W. Joiner, *Specialization in the Law: Control It or It Will Destroy the Profession*, 41 A. B. A. J. 1105 (1955).

legal chores will always be within the scope of the general practitioner's activity. Just as the patient who has a trifling ailment and the patient who does not suspect the seriousness of his malady will invariably consult his family doctor, a general practitioner, this would also be the case with the average client and his everyday legal involvements. Furthermore, as the complexity of modern society gives rise to more and more problems requiring the attention of a specialist, this same complexity will create an increasing abundance of ordinary problems requiring the service of a general practitioner.

(2) "There is a fear that . . . the general public will be unable to get full legal services from one man. . . ." ³¹ For the sake of argument the truth of that statement will be conceded. But is it objectionable? Surely no one would contend in this day and age that a lawyer is capable of being an expert in all fields of law. When a client occasionally brings to his attorney a problem requiring the attention of a specialist, it is most probable that he would not only welcome the referral of his problem to a lawyer more learned in the subject of his inquiry, but would demand such a referral.

(3) Another objection raised against specialization is that it will add impetus to the growth of self-interested groups and detract from professional unity. This statement is undoubtedly true under existing conditions. However, as pointed out by Professor Joiner, ³² the only way this situation can be alleviated is through the direction and co-ordination of the various specialty groups by one superintending council or board. These groups, if created and controlled by a council operating under the auspices of the American Bar Association, would be united in purpose, spirit and organization. In this way professional disunity could be avoided.

Conclusion

The foregoing explanations were directed at the underlying weaknesses contained in the objections to specialization and its control. These objections were found, in many instances, to be perfectly valid under existing circumstances but in no way applicable against the proposals for the control, regulation and guidance of legal specialization. Most of the objections raised clearly point out the public and professional need for attention in this area of legal practice. The need must not be ignored; our duty must not be neglected. In this regard, Mr. Justice Harlan F. Stone's words have great significance.

Before [the Bar] can function at all as the guardian of public interests committed to its care, there must be appraisal and comprehension of the new conditions and the changed relationships

31. C. W. Joiner, *Specialization in the Law: Control It or It Will Destroy the Profession*, 41 A.B.A.J. 1105 (1955).

32. Professor of Law at The University of Michigan, *ibid.*

of the lawyer to his clients, to his professional brethren and to the public. That appraisal must pass beyond the petty details of form and manners which have been so largely the subject of our codes of ethics, to more fundamental consideration of the way in which our professional activities affect the welfare of society as a whole. Our canons of ethics for the most part are generalizations designed for an earlier era. However undesirable the practices condemned, they do not profoundly affect the social order outside our own group. We must not permit our attention to the relatively inconsequential to divert us from preparing to set appropriate standards for those who design the legal patterns for business practices of far more consequence to society than any with which our grievance committees have been preoccupied.³³

Bearing these compelling words heavily in mind, it is suggested that the A.B.A. Committee on Specialization and Specialized Legal Education be revived; that its report be rewritten to present not only the benefits to be gained through the promotion and control of specialization, but also the explanations for the unfounded objections to the promotion and control of legal specialization; and that the proposals of this committee be adopted without reservation and put into operation at the earliest possible time.

CARL G. PAFFENDORF

33. Harlan F. Stone, *The Public Influence of the Bar*, 48 HARV. L. REV. 1 (1934).